IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

* * *

WRIT PETITION No.6956 of 2006

Between:

Bolla Nageswari Devi, w/o. Muneswara Rao
Aged about 45 years, Husband Protection,
R/o.Gollavani Cheruvu, Jinnuru Post,
Palakol Mandal, West Godavari district
& Ors. … Petitioners

Versus

The Commissioner,
Palakol Municipality,
Palakol, West Godavari district & Ors. … Respondents

Counsel for the Petitioner: M/s.SVR.Subrahmanyam

Counsel for the Respondents: S.Nageswara Reddy
GP for MPL Admn.& Urban Development
GP for Revenue

O R D E R :

The case of the petitioners is that they are having small extents of agricultural lands as indicated below:

Sl.No.	Name of the owner	R.S.No.	Extent
			Acs: Cts.
01.	Bolla Nageswari Devi	110/1A & 110/1B	01-95
02.	Penumastha Suryanarayana Raju	107 & 111	03-83
03.	Penumastha Satyavathi	107/5, 6 & 111	03-59
04.	Penumastha Gopalakrishnamraju	110/1B	01-30
05.	Chimata Aruna Devi	107/4, 5 & 111/B	03-98
06.	Kakara Mani	108/1A	00-50
07.	Nadimpalli Venkatasubbaraju	108	03-03
08.	Nalli Peddi Raju	108	00-50
09.	Jallisagar	107/4, 5	02-00
10.	Kasukurthi Lakshmi	110/2	00-54
11.	Bhale Peddiraju	108/1B	00-55
12.	Bolla Swapna Vijayalakshmi	110/1B	00-70
13.	Ganta Geetha Vani	108/2, 3	01-10

It is stated that the said lands are situate at Vadlavanipalem Panchayat area of West Godavari district.

It is stated that for construction of summer storage tank for Palakole Municipality 4(1) notification was issued proposing to acquire certain other lands but not the petitioners land.

It is stated that the lands of the petitioners cannot be taken away for the purpose of summer storage tank, which is no doubt useful for the public

purpose.

I am of the opinion that the action of respondents without following the due procedure prescribed under law either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act by paying compensation to the petitioners cannot be dispossessed from their lands in question.

Having regard to the facts and circumstances of the case, the writ petition is accordingly disposed of directing the respondents not to dispossess the petitioners without following due procedure prescribed under law.

With the above direction, the writ petition is accordingly disposed of.

No costs.

APRIL 06th, 2006. ----------

I s L. V. ESWARAIAH, J.